

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 10378 of 2005

Between:

M.A.Khan, S/o.Md.Ameer Khan,
Convener, Twin Cities A.P. Govt. Drivers' Central Association,
Regd.No.1592/1981, Behind Old out gate, Room No.5,
Secretariat Building, Hyderabad.

..... PETITIONER

AND

The Government of A.P. rep. by its Principal Secretary GA.. (Ser.Wel) Department,
A.P., Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, to declare the impugned action of the respondent authority in not examining and deciding the representations dt.16.4.2005 and 19.4.2005 as illegal, arbitrary and the one amounting to denial of democratic rights of the members of the Twin Cities A.P. Govt drivers' Central Association, Hyderabad and consequently direct the respondent to examine, decide and take appropriate steps permitting the petitioners committee to conduct elections to the Association.

Counsel for the Petitioner: MR. VARADA RAJULU VELLAMAYINA

Counsel for the Respondent : GP FOR GENERAL ADMINISTRATION

The Court made the following :

ORDER:

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This Writ Petition is filed to assailing the action of the respondent/government in not examining and deciding representations dated 16.04.2005 and 19.04.2005 made by the petitioner-association as bad and illegal, and for a consequential direction to respondent to examine, decide and take appropriate steps permitting the petitioner's committee to conduct elections to the association, *inter alia*, on the ground that elections to the petitioner association were held in July, 2002 and term of three years of the elected body would expire by July, 2005. Subsequently, three important office bearers' posts viz. President, General Secretary and Vice President, fell vacant, and since no arrangements are made to fill them up, functioning of the body became difficult. Therefore, in the General Body meeting held on 17.04.2005, it has been decided to constitute an adhoc committee and it has been entrusted with the responsibility of conducting elections to various posts of office bearers as per the bye laws and the date of election was fixed as 13.05.2005. A representation was submitted to the respondent/government on 19.04.2005 detailing the above position and requested to intimate the action taken thereon by 24.04.2005, but no action has been taken by the respondent. Hence, the Writ Petition.

After receipt of notice, the respondent/government filed its counter stating that elections to the petitioner association were held on 10.07.2002 and the three years' term of the office bearers is going to expire on 09.07.2005. Further, the Government issued a G.O.Ms. No.264, General Administration (Services Welfare) Department, dated 22.06.2001 issuing new rules of recognition of service association. Further, it is stated that there is no provision in the bye-laws of the association for formation of adhoc body. The office bearers and general members of petitioner association have split into two groups and one group informed that general body meeting was conducted on 17.04.2005 and passed resolution to form an adhoc committee for conduct of elections on 13.05.2005, and the other

group informed that elections to the association are due in June/July, 2005 and there is no provision in the bye-laws as to what action is to be taken in such a situation. Since the term of present office bearers is going to expire by 09.07.2005, question of conducting elections prior thereto, does not arise. Hence, the Writ Petition is liable to be dismissed.

After hearing both sides and considering the material, there is no dispute to the fact that term of present office bearers of the petitioner association is going to expire on 09.07.2005. In view of the circumstances submitted in the counter of the respondent, it is too early to consider the relief sought for by the petitioner-association and grant the same. Therefore, I am not inclined to consider the request of the petitioner-association to direct the Government to conduct elections earlier. The Writ Petition fails and is, accordingly, dismissed.

09.06.2005

DRK

Copy to:

1) The Principal Secretary, GA.. (Ser.Wel) Department, Government of A.P.
Secretary Hyderabad.

2) Two CCs to the G.P. for General Administration, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

3) Two CD copies.